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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,675	09/16/1999	MASANORI YACHI	991021	9058

23850 7590 03/11/2003

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WASHINGTON, DC 20006

EXAMINER

KWOK, HELEN C

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/397,675

Applicant(s)

Yachi et al.

Examiner

H. Kwok

Art Unit

2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 31, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) 3-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 23 6) ☐ Other: \_\_\_\_\_

Art Unit: 2856

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, the phrase "the not permanently oscillating transducer" lacks antecedent basis and is indefinite. The Examiner suggests if the phrase "a transducer that" in line 3 is changed to -- an oscillating transducer which is not permanently oscillating -- and the phrase "the not permanently oscillating transducer" in line 5 is changed to -- the oscillating transducer -- would help clear the indefiniteness.

### ***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2856

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,848,157 (Kobayashi).

With regards to claims 1 and 2, Kobayashi discloses an acceleration detecting device comprising, as illustrated in Figures 1-3 and 12, a base 23 (considering the frame as the base); a transducer 11 (the Examiner is considering the beam 11 as the transducer) is supported at the base 23; a weight portion 14 consisting of a weight 15 is connected to the transducer 11 and supported at a position different from the center of gravity of the vibrator (i.e. the weight portion is attached at an end portion of the transducer as observed in the figures); a detecting section 16a-16d is installed on the base (as one observed, the detecting section, which is positioned on the transducer 11, is placed on the base 23) for detecting the amount of characteristic corresponding to a torsion of the transducer caused by an angular moment upon application of an acceleration in one direction to the transducer and the weight portion wherein a face of the transducer is made flush with a face of the weight portion (As observed in the figures, a face of the weight is made flush with a face of the transducer). (See, column 2, line 56 to column 3, line 68; column 5, lines 29-50).

***Response to Amendment***

5. Applicant's arguments filed December 31, 2002 have been fully considered but they are not persuasive.

Art Unit: 2856

Applicants argue that the reference, Kobayashi (US Patent 4,848,157), does not teach the detecting section installed on the base.

The reference, Kobayashi, does suggest the detecting section installed on the base. As observed in Figure 12, the detecting section 16a-16d are formed on the beam 11 (considered as the transducer in the Office Action) which is installed on the base 23. The Examiner is taking the position that because the beam 11 is connected or attached to the base 23 and the detecting section 16a-16d are formed on the beam 11; hence, the detecting section is installed on the base 23 because the detecting section is part of the beam and the beam is installed on the base.

Furthermore, if Applicants disagrees with the comments above, figure 14 (which is another embodiment of the invention of the reference), coils 27,28 are used as the detecting section in lieu of strain gauges. As one can observe in the figure, the coils are *installed on* the base 17 since the coils are in contact with the base. Hence, the reference does teach the detection section being installed on the base and one can easily modify or use the teaching from one embodiment to the other as disclosed by the reference.

Therefore, as commented above, the Examiner believes the reference does suggest the claimed feature, as presently claimed.

### ***Conclusion***

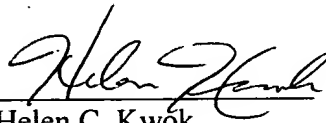
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Art Unit: 2856

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Kwok whose telephone number is (703) 308-8149.

  
Helen C. Kwok  
Art Unit 2856

hck  
March 7, 2003